

Interview with Bill Baxley, attorney general of Alabama, July 9, 1974,  
conducted by Jack Bass and Walter De Vries, transcribed by Linda Killen.

Baxley:--he had a lot of human feelings. A lot of us have, I reckon. Kept him from doing a lot of it, but at least he really, honestly believed in what he said and he said it at a time when it was unpopular. So I've been a fan of his a long time. Really kind of a tragic figure.

Walter De Vries: ~~Olson?~~ Folsom?

Baxley: Yeah.

W.D.V.: How's he doing now?

Baxley: Oh, he's penniless. Lives on a little pension that Wallace got passed for him. Doesn't pay any bills. They even took his telephone out of his house. Sad, tragic figure.

W.D.V.: Did he do any campaigning?

Baxley: Oh, as a joke he puts his name on a ballot. Just a little joke. Really. . . to goad Wallace.

W.D.V.: What did your father do?

Baxley; He was a lawyer and a circuit judge down in south Alabama. Very nonpolitical. He was a student of the law. Real, old scholar. Didn't know anything about politics. Didn't care anything about it. Hated the fact that I was interested in it.

W.D.V.: How did you get involved in it?

Baxley: Well, when I was a kid the only two things I wanted to be was either a major league baseball player or a politician. And I found out I might not be a good politician, but I'm a better politician than I was a ball player, I reckon. I don't know. I don't want to be in politics all my life. I have always been interested in it ever

since I was a child. I want to get out of it by the time I'm 40. I'm not one of these. . . . I don't want to do it the rest of my life.

W.D.V.: How old are you now?

Baxley: 33.

Jack Bass: Did you go to law school in Alabama?

Baxley: Yeah, undergraduate and law school in Alabama.

J.B.: Is this your first. . . when you ran for attorney general, had you run for public office before?

Baxley: Well, I had been district attorney down in my home town for five years. Even though I ran, I was unopposed. Down there, as you'll probably find in a lot of little rural circuits, or fairly rural circuits, the bar association gets together and they say "Well, you know, you ought to be the D.A. You're young." That's one of the reasons our court system is in such a mess, I think. We don't have enough good people for the prosecution. I got it that way. Nobody else wanted it. And that's how I got in politics. Cause nobody else wanted the job.

J.B.: How about running for attorney general?

Baxley: I ran. . . . I was 28. I ran against the incumbent and everybody thought I didn't have a chance to win and thought I was a nut for running. We surprised everybody and won.

J.B.: Did you think you could win when you ran?

Baxley: Yeah.

J.B.: Why?

Baxley: Well. . . I don't know whether you want to get bored by going into all that. But two buddies of mine that have the same philosophy I do. Three of them really. Very interested in politics. About two years before I ran we started sitting down. . . . Everybody said the

attorney general was totally unbeatable. Four years before, he got elected the same time Laurleen [?] Wallace did and he ran ahead of her on the ticket. He was always a conservative and he got more votes even than Laurleen Wallace did. And so everybody said he was unbeatable. So we got to doing some figuring around. . . in a very amateurish way. The man had been on the ballot 12 times. Either running for attorney general or. . . he ran once for governor. . . or running for, he ran a couple times for delegate to the Democratic convention, couple times for presidential elector. And he always usually led the ticket. We went and got those statistics. Pulled them out county by county and some of the counties box by box. And we'd color percentages vote size and then we'd color. . . you know how, you see the map. We did that with state maps. And the highest percentage of the vote. . . the highest percentage everytime he ran, we'd color them red. The lower percents would all be green and we'd have a couple of colors inbetween. We finally finished 12 times his name on the ballot. No matter whether he was running for governor and losing or running for delegate to the convention and getting 99% of the vote or 95% of the vote or running for elector and getting 85% or whatever it was. You could see that percentage wise he just leaped out at you. His strongest area was the wire grass ~~area~~ section of the state, southeast Alabama. Every time that was the red. Green every time was the Tennessee valley. So my home is in the wire grass. Place where I'm D.A. is the most populace county in the wire grass. I had been doing some special prosecuting work. I did a pretty good job as a prosecutor. I was, you know, gung ho and young enough not to be afraid to work. And they sent me around to try cases in several parts of the state because there's such a, you

know, shortage of prosecutors that know how to try cases, especially that are willing to go outside their own homes and do it. And doing that, I'd deal with the guy he ran against and found out. . . . If he was strong it was on something besides brains. He didn't seem

he knew anything about politics. So I went out to the little areas around my home, the wire grass, which had always been his strongest areas every election he ran. I'd ask people, you know, "Well, what you think about old McDonald ~~Gaddy~~ <sup>Gallion</sup>?" "Oh, I don't think much one way or the other except he seems like a pretty good fellow. Never heard anything bad about him." I said "Well, did you vote for him for governor?" They said "No." "Would you vote for him for attorney general or lieutenant governor?" "Yeah, I reckon so, depend on who ran against him." "Did you vote for him before?" "Yeah, always have I reckon. Never have been any reason not to." But really what we found out was there in his strongest area the only thing he had. . . he didn't have any real strength. He just had name recognition. And with the absence of giving somebody a chance. . . you know, a reason not to vote for him. . . the reason he'd win all these times was nobody knew his opponents and his name had been on the ballot so darn much. So we figured his strength was overestimated and we went to work in his weakest area, the Tennessee Valley. Me personally working up there and then tried to line up the people who philosophically believe like I do. That, combined with the old V.O.Key theory of the home folks. I got a terrific vote down in my own little section down there, which he'd been strong in. We beat him.

J.B.: How do you characterize your philosophy?

Baxley: Well, it'll depend on. . . everything's relative. . . it'll

depend on who you're comparing it with.

W.D.V.: [Unclear.]

Baxley: Who?

W.D.V.: The lieutenant governor.

Baxley: Oh, Beasley? Well, he doesn't have a philosophy. I believe in complete and total equality of opportunity for the black people, poor people and every other kind. I think that we've mistreated people. I think we've been wrong. By the same token, I wouldn't say I was such a bleeding heart, because I happen to believe in the death penalty and I happen to believe that people that break laws be punished. Although I believe that the punishment ought to be equal. I believe that people that have wealth and advantages shouldn't, you know, escape punishment like they've done too often in the past. I think that the South's been discriminated against by big business in the North. I think that we still are. I think that the tax structure in the South, the way it is especially in Alabama and Mississippi, weighted against the working man. They've used the race thing to stop any real reforms from taking place. And I think that a lot of the reformers in the South. . . and many of the people who have really just been. . . they say these things but then they meet behind closed doors with these people that have held the South back all these years. I don't think Beasley has a philosophy, because he changes every time.

J.B.: Do you have any blacks on your staff?

Baxley: Yeah.

J.B.: Lawyers?

Baxley: Yeah. You ought to talk to some of them while you're here. Got a division head. Got four assistant attorney generals and

two legal research aides are black.

J.B.: Did Wallace put any black aides on his staff?

Baxley: No.

J.B.: He must be the only--

W.D.V.: Do you have more in your department percentage wise than other departments? Professional and personnel.

Baxley: Oh yeah. In fact I probably got. . . oh yeah, way. . . .  
And we would have more if we could get them.

W.D.V.: From the clippings we've been reading about [Errol Banda?] it looks like the two of you are going to square off in '78. Or at least that's what all the pundit's say.

Baxley: Who is that? Beasley?

W.D.V.: Yeah.

Baxley: If we keep on doing like we been doing people are going to get tired of both of us by then.

W.D.V.: I was going to ask you about that. If you're going to quibble for four years. . . .

Baxley: Yeah. That's just one of those things. My nature. . . can't put a round pig in a square hole and every time he says something that's not so I'll lash back at him. And I know in my good judgment I ought not to be doing it. I don't take politics maybe as seriously as. . . . Oh, I take it--that's a bad choice of words. I take it just as serious as anybody, but I feel like politics, to me--it's not going to be the end of the world when I lose. I'm going to get out and make a--

[Interruption on tape.]

Sorry for the interruption. Where were we? Oh, I don't think it's going to be the end of the world if I get beat. I think I can have a mighty

good law practice and, you know, make a lot of money. I'll always be interested in politics, try to find young people coming along who believe like I do and help them. Might try to stay active on the Democratic committee, something like that.

J.B.: Is it your intention now to run for governor in '78?

Baxley: [Long pause.]

W.D.V.: We're not going to publish this book until the spring of 1976.

Baxley: Well, I'll just say this. If everything. . . . Of course you know people are going to resent. . . . If I say yes, I'm going to run for governor, then everything I do as attorney general for four years is going to be suspect. If things were like. . . everything right now. . . . I mean if it's the same in 1978 as it is right now, yes, I'd run. But I'm also not naive enough that I overestimate my strength. And if I get out. . . . I'm not one of these [proposition?] things where everybody likes me. I know there's a whole lot of folks don't like me. And if it comes a time in the fall of 1977 when I feel like, you know, I'm not going to really have a good shot at this thing, I'm not going to run. And there may very well be something I do between now and '77 that will make me lose popularity. Popularity is a very fleeting thing, as you well know.

W.D.V.: Besides Beasley and yourself, is it Brewer and perhaps Cornelia Wallace that are the potential candidates? That about it?

Baxley: [Long pause.] Well, let's put it this way. I wouldn't want. . . . I don't know whether you fellows go off the record or not.

W.D.V.: Sure.

J.B.: Sure.

Baxley: I don't want to hurt the man's feelings, because I like

him and if he doesn't run he'll be for me. If he reads this, he won't be. I think he'll probably be for me if he doesn't run. But Brewer ain't going to be a factor in this race, now. You can talk to the Rotary Club and country club people and the politicians around Montgomery and they'll say he can be. But I know, when you go out in the sticks, than ~~Allen~~<sup>Albert</sup> Brewer is not going to be a factor. I wish that were not true. I would not mind losing a race to ~~Allen~~<sup>Albert</sup> Brewer, because I wouldn't think the state would be in that bad of a shape. But I'd hate to lose a race to Jerry Beasley because of what it would mean to the state. And I wish I could say that it would be between me and Brewer. But it won't. Brewer, Albert Brewer. . . when he got those votes against Wallace, he automatically thought that 49% of the people like him and are Brewer people. What he doesn't realize is that about 80-90% of those people that voted for Albert Brewer weren't voting for Albert Brewer, they were voting against George Wallace. Albert Brewer wouldn't get very many black votes [~~for being~~ from me] in the race. Albert Brewer wouldn't get very many waiver votes [ditto] in the race. Albert Brewer wouldn't get very many loyalist Democratic votes [ditto] in the race. Now man, you know, barring--

W.D.V.: What you're saying is his day's passed him by.

Baxley: Well, the reason I hate to say that is because the man is a decent man, a very decent man. And he's an honest man and an honorable man. But you got to watch him campaign to understand what I'm talking about. He cannot appeal to. . . it's regrettable, because he's a very decent fellow. . . . But you figure, two years before, Al Brewer was George Wallace's lieutenant governor. And six years before he was his speaker of the house. And there are a lot of people, some of them on

that wall up there, that back in the early days of the '60s, when Wallace was so bad on this segregation thing and people's lives, you know, some of them were in danger. And some brave people standing up to Wallace and risking their careers. These people remember that Al Brewer was his speaker of the house during those days and stood with him in the school house door and Tuskalooosa that people have forgotten. These people. . . sure, the reason they're against Wallace. . . they don't have a choice. But when he's in there. . . not just for me. . . but Dick Emmett, who's a judge here in Montgomery, who's a damn good man, I think. . . I hope he's a candidate. Because if I don't win I wish he'd win. Or even if old McLean, or somebody like that. People wouldn't necessarily choose Albert Brewer. And the average man out in the sticks--I don't want to use sticks [unclear]--the average, you know, voting Alabamian, they want somebody for governor, usually, with a little bit of charisma. And I ain't saying I've got it. But there some candidates that don't. And that's happened in every election. Of course now, again, there are a lot of other factors. If me and Beasley squabble for four years and people get tired of us. . . and that might come to pass. And Brewer is a good man. He is a good man.

W.D.V.: Some of the people we talk to say that everything George Wallace knows is holding public office or trying to seek it. That he's not about to let go in 1978--

Baxley: That's right.

W.D.V.:--because nothing's going to happen to him in 1976.

Baxley: Well, he might run for the Senate.

W.D.V.: Well, let me ask you that. Do you see that. . . the future, that he's going to try to --

Baxley: Waste of speculating on what Wallace is going to do. . . is

the biggest waste of time anybody can--

W.D.V.: I'm not speculating about that. I'm just saying he's always been seeking public office and campaigning for it--

Baxley: That's right, that's right.

W.D.V.: And he will continue to do that.

Baxley: That's right. That's exactly right. That's all he knows. That's his life. He'd be dead within six months if he didn't have that.

W.D.V.: Okay, that means Senate then or his wife running for governor.

Baxley: I would think one of the two, uhuh.

W.D.V.: Is that an accurate reading on him?

Baxley: I'd say either one of them would be a good possibility. I do not think he'll get out of politics. Sure don't.

W.D.V.: Do you think he'll still continue to dominate the political life of this state?

Baxley: No. Well. . . with him or trying to pass it on to somebody else?

W.D.V.: Both.

Baxley: I think he can be a factor as long as he lives. But I don't think he can pass it on to anybody else.

W.D.V.: Why is that?

Baxley: He's the best politician this state's ever seen. The very best. You know. . . I'm going to tell you something that a lot of people. . . course you all, I'm sure, won't make this mistake. But a lot of writers make a mistake about George Wallace. They think everybody in Alabama [is for] George Wallace. Everybody's for him. Blah blah blah. And everybody is for him because of the stands he's taken. . . They don't think that about their

own local cities where they're from because they know that's not true. It's not true here. People are for George Wallace for any number of reasons. I would not say that issues [at issue's] not necessarily the number one reason they're for him. But he is the best politician that's ever been in this state probably, as far as I know, in the South, except maybe for Huey Long. Personal contact with people. People. . . . Well, I'll give you some examples instead of talking in generalities. My grandmother is 103 years old. Since 1958 she has gotten a birthday card or a telegram from George Wallace. In her mind, George Wallace knows her and knows her personally. She'd vote for him against anybody except me. There are no telling how many people George Wallace has sent this to. He's good at remembering names. Since 1958--or '56 really, when he started--he has gone around. . . . Give you another example. It was an old black fellow who worked in a restaurant/<sup>in the back</sup>back when there were very few blacks voting. Before the voting rights act. And the restaurant owner, that was a friend of mine, it was in Tuscaloosa, was trying to tell him how he ought not to vote for Wallace and everything else. The man may have been lying, I don't know. But the restaurant owner said, and then the guy told me himself. I was a student in law school at the time, just couldn't believe it. That he was for Wallace because when George Wallace came in there to eat after he was governor, he went around and shook hands with everybody in that place and went back to the kitchen and shook hands with everybody in that place and he came back in there another time and he remembered this fellow's name. Called him by name. Shook hands with him. Now you think that's an isolated incident. But George Wallace, until he got shot, did that everywhere he went for 16 or 17 years. He's got enough memory and enough

organization. . . he can leave and write these people, a lot of them, a letter. Say "Sure was glad to see you and" blah blah. And these people carry these letters around with them. Another example. When I was going. . . . See I got [elected?] same day Wallace did. Same day Wallace beat Brewer. And people there were trying to tag me as an

leftist tool of the black panthers and all that stuff and an anti-Wallace candidate and all that. That was in Scottsboro. Struck up an acquaintance with a girl, worked up there at a motel. And I talked to her a couple times when I was through there, you know, and found out she was a pretty moderate type in her beliefs and she ~~left~~<sup>felt</sup> like the state was kind of backwards and needed to go further and move ahead and join the 20th century and liberalize a lot of our laws. Not get, you know, bad national publicity which is a code word for those moderates, I think sometimes. But I was really impressed with her. Thinking here's a working girl and she really believes all this. Had no reason to tell me that. Finally one day I asked her "Who you going to vote for for governor?" She said "Oh, I'm for [Wallace]." And I said "Now you tell me all this stuff you believe and then you say that you're for Wallace. How do you. . . . Why is this.?" She said "Oh, Wallace, when he stays here. Everytime he comes in here, he grabs my hand. He says 'Hello, sugar. How you doing? Sure is good to see you again.' So Brewer let somebody else check him in. He goes straight to his room. He never has even come up here and spoken to me. I wouldn't vote for him. My daddy-in-law died and Wallace sent us a telegram when he died." Now, when you take. . . since '56, which is 18 years now. Because he started **about** two years before he got. . . before he first ran. Wallace was doing something like that. And you multiple that by how many people like that there are. That's a pretty good base to start on. And there

are a lot of people that think that George Wallace is a personal friend of theirs.

W.D.V.: So it's personal contact more than stands. . . ?

Baxley: Oh no, I don't mean more. I wouldn't say more than anything. But you take a man who does this nuts and bolts type stuff and you combine that with a man who is able to appeal, as he is, and

the people through the media and make speeches and things like that. And then you combine that with having issues that are fairly popular with people. And you combine that with being, creating the image of being for the underdog, which he's been able to do. And then you combine that again with the man who has no other desires, no other hobbies. Doesn't waste any of his time drinking. Doesn't waste any of his time doing anything, except talking politics every waking hour. And you got a man who's going to be a factor no matter what his. . . . You can take almost any two of those, whichever two you took, and almost have a man that's a winner. You take one that's got every one of them, like him. And you sure enough got one. You take a man who does all that and believes a very unpopular things and you'll play hell beating him. The man who takes opposite sides of the issues that are supposed to be popular. If he does the other things as well as Wallace, hell beating him. In any kind of a race. Small enough to where. . . . You know. Well, I got a lot of admiration for Wallace as a politician.

W.D.V.: How about as governor?

Baxley: Don't see his picture in here, do you? I want to show you all something. Walk with me just a minute.

[Interruption on tape.]

I think it's obviously changing or I wouldn't be here.

W.D.V.: Wouldn't be here. Wouldn't have this staff. But does that mean that the Democratic party is changing? Some people say to us that Beasley represents the old, establishment party, especially just the old way of doing things in the party. And you represent the other part of that, other side of that.

Baxley: There's a lot of truth to that.

W.D.V.: You see the party dividing that way? It's not north and south anymore 'cause you're both in the same part of the state. It's not Wallace-anti-Wallace, is it?

Baxley: Only thing don't think that division's anything new. I think that when the voting rights act was passed the folks that believe like me just got a whole lot of help. Kind of brought the scales about even.

J.B.: How many members of the Alabama Congressional delegation do you think would vote to extend the voting rights act?

Baxley: One.

J.B.: Who would that be?

Baxley: Bob Jones. He may or may not. He probably would. Those three fellows. . . . Two fellows, Brains and ~~Ellord~~<sup>Ellist</sup>, would have probably voted for that. Jones might vote for it. Jones voted. . . . Reason I say that he might have enough guts to do that, the old fellow voted against the prayer in schools amendment. I decided when he did that he had pretty lot of guts.

W.D.V.: How do you see this progressive-conservative split you say has been there all the time. Where is that reflected? On the state executive committee?

Baxley: It's the same thing that it's always been. I wouldn't say that. . . . Oh, young people are becoming more progressive gradually.

But I don't think there's any great change other than. . . . You know. . . .

J.B.: Do you make a conscious effort at political education?

Baxley: I try to. I feel like where that is one of the things where we have been lacking. I think that if some of our senators and representatives that were good progressive people, you know, years ago had made that effort, maybe we'd be a little closer to where we ought to be than we are now.

W.D.V.: Well are there more younger people involved now than say four years ago when you first started out in this thing?

Baxley: Oh, on this staff naturally.

W.D.V.: I mean running for public office, getting involved--

Baxley: I think my election. . . . I don't want to be one of these. . . . beating my own tom tom. But the fact that I won, I think, probably told a lot of young guys they had a chance. And of course most of them didn't want to put in the work that we'd done. And a few of them haven't been successful. But the fact that I won without the big boys and the fact that I was young, I think probably helped to bring some younger people in. Lot of them got real disillusioned when Brewer lost. If I had lost with that, I don't think we'd have the same participation we have now.

J.B.: How about this new legislature? Is it going to be any different from the others?

Baxley: Ain't nobody can tell. Ain't no way to tell. Of course naturally you hope. We ain't got but one way to go and that's up. Our legislature is totally, totally dominated. Completely and totally dominated by the special interest groups.

J.B.: Who are the special interest groups in Alabama?

Baxley: Oh, Farm Bureau and the associated industries which repre-

sents the real big business people that don't pay any tax. The utilities, to some degree. Although the utilities. . . I've got to say this in their behalf. Especially the phone company. In the days when the civil rights stuff was rough, the phone company did a pretty good thing. They had about equal employment, even before the federal folks made them. The phone company is a pretty good citizen in that regard. Let's see, who else. Loan companies, the banks. You know, it's all interlocking things, too. The same people up on the top on the boards. You find the boards of big companies. . . .

J.B.: Is big steel a factor?

Baxley: Well, if you single them out, I'd say no. They are certainly smart enough to not do. . . . Not get out in front. What they do is work through associated industries and they put out this crap and what it looks like. . . the chamber of commerce is doing it. They work through the chamber of commerce. Nothing would please me more, as a politician, than to have US Steel get up and publicly denounce me and say I'm a radical, bad for business. Man, I'd quit campaigning. But they're smart. What they do is they work through getting control of the state chamber of commerce and control of the associated industries. And then it looks like associated industries, a group of concerned Alabama companies, is worried about this boy being bad for business. Sometimes means well, but doesn't always check out all sides of an issue ahead of time. And he's trying to get publicity. Bad for a lot of good boys. And things like that. That's the way they do it. They're not dumb enough to. . . . If you ever draw the line, they know they'd lose. So they're smart enough to not draw the line or make the line be drawn where it appears something else is happening. But steel is cer-

tainly a factor in the behind the scenes. US Steel. . . I think they kept a lot of other quality industries from coming to Birmingham. I think when Birmingham and Atlanta were the same size. You know, Birmingham, Atlanta, New Orleans and Memphis all used to be roughly the same size. The only darn thing that Atlanta's got, really, the only thing in the world they got is they became the southeast headquarters for every company in the world. Course Birmingham was right there in the center of the southeast. It should have gone to Birmingham back then. But when Atlanta had Hartsfield and then later Ivan Allen, Birmingham had Bull Connor and US Steel trying to keep people out.

[Interruption on tape.]

J.B.: What's the political role of organized labor?

Baxley: In the governor's race it's not that big a factor. It's a tremendous factor in lieutenant governor, attorney general, public service commissioner, secretary of state. Things like that. That's my own assessment of it. People down here are pretty well individuals about <sup>voting</sup> [polling?] for governor. For instance. . . . Well, they make up their own mind pretty well who they're going to vote for based, really not even so much on issues as it is how they relate to that individual candidate. Then you take lieutenant governor, attorney general, public service commission. Hate to admit it. . . when I ran there wasn't a great many people cared who the attorney general was. So, you know, they make up their own minds who they're going to vote for for governor. Since they don't have any real preference for lieutenant governor, attorney general, public service commissioner, they'll get their labor endorsements, go along with it. I think it's really a big factor in races like attorney general. We are blessed in Alabama, very blessed, with our labor leadership. ~~Barney~~ Weeks. . . .

J.B.: Is he effective?

Baxley: Well, I think that he is. . . . When you consider what he's held out against and the times when he refused to knuckle under, I think he's been very effective. Howard Streeel with the steel workers is the same way. I've just got the utmost respect for these. . . . Say whether they're effective. . . I think yes. I think they're very effective. A lot of people don't think so. But you look at the progress over a five or six year period. Hell yeah, they're effective.

W.D.V.: You think the politics of race has gone from this state?

Baxley: I think so. I hope that's not false hopes. I got this and I think very strongly about this. I think that one of the reasons race became such an issue is because good, decent office holders were afraid to do their bit on educating the people. I think that weakness on the part of good men allowed race to ever become, reach the proportions that it did. Not just in the South, but nationwide. They're talking now about. . . . Well, I better not get into that. Kind of look like I'm trying to hold myself up, which it's not. . . .

J.B.: Go ahead and say it.

W.D.V.: You got Dante hanging on the wall.

Baxley: Oh, I was just going. . . when I ran they tried to paint me every way in the world with the race issue. See, when I beat the guy he was so shocked he came back and ran against me again in November. And ran just as bad, a bitter racist campaign. . . or worse.

W.D.V.: As an independent?

Baxley: He got a party. . . . The American Independent party nominated him. And he ran against me again in November. And he was still the incumbent attorney general, see.

[Interruption on tape.]

W.D.V.: What were you doing or saying?

Baxley: Well, I believe in equal opportunity for people.

W.D.V.: That's all?

Baxley: That's it. That's all you needed to say.

W.D.V.: You mean in 1970?

Baxley: Yeah.

[Interruption on tape.]

--by the national Democratic party, the Civil Liberties Union and every other organization which determines individual's freedoms.

J.B.: Your opponent actually said that you were a tool of the Black Panthers?

Baxley: Yeah.

W.D.V.: How'd you feel when you read all this stuff?

Baxley: I was glad he was saying it cause I knew I was going to win. [Baxley has been trying to find something. He now does.] Here's one.

W.D.V.: Did you respond to any of this?

Baxley: Well, I responded to the police bit. [Interruption.]

J.B.: How do you assess Wallace's impact on the political life of Alabama?

Baxley: How you assess it?

J.B.: Yeah.

Baxley: It's a personal thing.

J.B.: No, how do you assess the impact? What has it meant or done to or for Alabama?

Baxley: Oh. . . let me read you this and then I'll. . . .

J.B.: Okay, go ahead.

Baxley: Asa Carter. . . I don't know whether you all have ever heard of him. He's one of these big racists. This is since I've been attorney general. He passed these out when I was trying to impeach a sheriff--which we did impeach. the home town of former attorney general [Richmond] Flowers, the protege of Flowers, the vicious, pro-communist integrationist and now convicted criminal. [He is reading something so fast it is impossible to follow it all except to be sure that it is a very harsh condemnation of Baxley and his political orientation. One sentence reads: Baxley was endorsed for attorney general by such well known left wing papers as the New York owned Birmingham News, owned by Samuel Isadore Newhouse" who also, it says, owns the "viciously pro-communist <sup>Anniston</sup> ~~Anderson~~ Star." The story goes on to point out, as a danger sign, that Baxley has appointed a Negro as assistant attorney general for the first time in Alabama history since Reconstruction and that he seems about to appoint even more.] It goes on. Gets on the [official communist voting plan?]. What I have done to. . . .

W.D.V.: Is this your appointment, this ?

Baxley: The first one, yeah. We've got a lot more now.

W.D.V.: [Reading?] Indicates membership with the Ubangi tribe.

Baxley: Yeah. [Continues reading, very, very fast--something about the combination of communists and Black Panthers resulting in hoards of voters moving from voting place to voting place forcing the adoption of their programs. Goes on to say that Baxley didn't wait for something else to change Alabama's voter residency or registration requirements. "Baxley immediately stated a 30 day residency requirement for voting was a law in Alabama, destroying Alabama's one year requirement. Baxley also

threatened every member of every voter registration board in Alabama that they'd better go along with it because my attorney general office will not defend you in any federal court case if you don't.] What I'm saying is this stuff does not have any effect if the candidate they're using it against will do what he ought to do.

W.D.V.: But you were saying earlier that so many of them were intimidated and didn't do it. And they should have.

Baxley: Yeah, yeah. I think so. I think, you know, for many years that was true. It's a lot easier, I admit, to do it now. Stand up and fight back now than it was, you know, 20, 30. . . . But you got some brave men in the '20s that . . . .

W.D.V.: [Something about ten years ago.]

Baxley: Well. . . .

J.B.: In the '50s and '60s.

W.D.V.: '64 and '65.

Baxley: Well, people should have stood up then. Some of them did.

W.D.V.: But as an issue, you think it's removed?

Baxley: Well I sure hope so. I hope it's removed everywhere in this country. I think it is. I think it is. I think most people now are going to be making a play for the black vote.

J.B.: Do you think George Wallace has genuinely changed since what is referred to as his accident?

Baxley: [Long pause.] [Not in/in?] regard to his views on race.

J.B.: Views on race and attitudes towards people.

Baxley: [Long pause.] Well, if he'll renounce the Ku Klux Klan, which is worth zero for votes anyway and if he'll say that he was wrong. We all make errors. A couple of the statements that he's made. Instead of just saying it was rhetoric, saying "I was wrong," I'll say he's changed.

J.B.: He hasn't said that, has he?

W.D.V.: Is the Klan still powerful?

Baxley: Hell no. They ain't worth 600 votes state wide. Well, maybe 2,000 at the most.

W.D.V.: I mean in terms of intimidating candidates?

Baxley: Shit no. They're a bunch of clowns and criminals.

W.D.V.: The way you talk, you sound like a populist candidate.

Baxley: Well, people have flung that label around.

W.D.V.: I want to relate the question to Wallace. Cause he's supposed to be a populist, you know. Has been all his life [so he says?]. Yet when you examine what he's done in the area of taxation, it's regressive.

Baxley: Let me put it this way. I like what he says.

W.D.V.: It's rhetoric?

Baxley: But I'd like to see a little more concrete action rather than just blaming it on the legislature.

W.D.V.: Doesn't he have the power in that legislature right now to pass a progressive tax program. . . .?

Baxley: The governor. . . certainly the governor could pass a tax reform legislation. Certainly. If I was the governor and couldn't get tax reform legislation through then I think I wouldn't run again.

J.B.: Well <sup>Folsom</sup>~~Fulsome~~ couldn't.

Baxley: That was different. Back then we didn't have reapportionment. And the legislature was totally dominated by a minority of the people. <sup>Folsom</sup>~~Fulsome~~ couldn't do it because Jefferson county had one senator and so did some of the. . . . Jefferson county, 700,000 people, had one senator. And some of the counties with 12,000 had one senator. <sup>Folsom</sup>~~Fulsome~~

couldn't do it but he had an excuse. He had a good reason. It was not possible. It is possible now for a governor to do it. Any governor. Brewer could have done it. Patterson could have done it. Wallace could have done it.

J.B.: How would you feel if George Wallace got elected president?

Baxley: Well, I'm going to support the nomination of the Democratic party and I'll be very happy if any Democrat gets elected.

J.B.: How about off the record, how would you feel?

Baxley: [Laughter.]

W.D.V.: Try that one again.

Baxley: Well, of course, you know, I can't give you an unbiased view. Cause that makes Beasley governor. So that'd discredit any view I have. No, I'm just joshing you about that. Off the record?

J.B.: Off the record. I'll cut it off. [Interruption in tape.]

W.D.V.: --consin [Wisconsin?]. Property tax reform and income tax reform and all that sort of thing. Ever addressed a message for the legislature or ever put in a program of legislation?

Baxley: Only thing he ever did even near that. . . he put a tax on utilities one time. Which he did do. But then they turned right around and allowed the utilities to pass that on to the public. Wallace is an amazing type fellow now. I'm going to say this to you fellows. . . really. . . I know how you hate, love being called you fellows. . . . What's your first name? Walt and Jack, I'm sorry. Wallace has been, during these four years, there couldn't have been anybody nicer and more cooperative to me in my office than he's been. There's no way any governor could have done more for this office than what he's done. I have never asked for anything we didn't get. [Long pause.] Why, I don't know.

W.D.V.: We don't mean to bug you about him, but he's a phenomenon in the South and in the country that I don't think anybody really ever got a handle on. Tons and tons written on him.

Baxley: I feel like I know him pretty well.

W.D.V.: And now the latest speculation is that he has basically undergone a change in attitudes and beliefs that is a new George Wallace.

Baxley: If you'll go off the record I'll tell you what I think.

J.B.: Okay. Can we leave it on?

Baxley: Well, I wish you wouldn't.

[Interruption in tape.]

J.B.: --bill [Capital punishment] died.

Baxley: Died in the senate. Wasn't brought up for a vote.

J.B.: Does that mean that Wallace wanted it killed?

Baxley: No, it doesn't mean that. It doesn't mean that. But if he'd a wanted it passed it could have got [unclear].

J.B.: Why do you believe in it?

Baxley: I didn't believe in it while I was in law school. When I got out of law school I was a law clerk for a while. Still didn't believe in it. Went back and did six months in the service and then went to [Dover?] practicing law. One of the first few cases I got appointed on. . . . All the young lawyers in

[End of side of tape.]

--I was really trying to work it up. Trying to work on my client and everything. Spent days on the case, you know. And every time he'd tell me something I'd go out and work my tail off and find out he'd be lying to me. He'd just be totally unconcerned

robbery in Alabama, at that time until this Georgia case, was a capital offense. So finally, you know, after about the third damn false trail

he'd led me on by lying to me I really blew my cool and said "Look here, you son of a bitch, I am working my ass off trying to help you and you are lying to me. Unconcerned. Tell me you don't know things I need to find out. I'm your lawyer. And don't you know your trial's next week and man, you can go to the electric chair. If you keep on doing this that's the way you're going to go." And that's the first time I saw any effect on the guy. Said "Man, I can't go to no electric chair." I said "Yeah you can. It's a capital offense." "No, man, I didn't kill that dude." And anyway, I got to talking to him. And in his mind. . . he was wrong on the law. . . but I saw that in that guy's mind, the reason he didn't kill that man that he robbed was that he thought if he killed him he'd go to the electric chair and if he didn't kill him he couldn't. I confirmed that with a lot of other people when I was D.A. and I saw it and I saw it first hand that by god, it is a deterrent. Just one of those things you can't prove statistically. It's wrong the way we've administered it. But I think a good, nondiscriminatory law will save a lot of innocent people. Most of my staff doesn't believe in that, though. Most of the young ones. And that's probably pretty good that they don't because they haven't been out there dealing with those people like I have. Until a person really deals and sees that, or really thinks it through, there's probably something wrong with a guy's heart if he's for the death penalty. But I really do believe in it. It's cost me some [newspaper support. The] Anniston Anderson Star has always been for me and they wrote a pretty bad editorial couple weeks ago about my views on the death penalty.

J.B.: So you believe in it for what crimes?

Baxley: Well, the bill that I have. . . what it would do, it would

say like. . . . Of course, it would have to be actual homicide. You could not ever have the death penalty under my bill or my theory for something like rape or robbery or something. But what it would do. . . if you kidnap somebody or rob them or rape them. Carry them out and and did not take their life then it would not be a capital offense. The most you could get would be life. But if you took their life then automatically you'd get the electric chair. You'd be not guilty or the electric chair.

J.B.: You'd have a homicide in the commission of another felony.

Baxley: Well, not necessarily in the commission of another felony,. . .

W.D.V.: Just a commission of homicide.

Baxley: Commission of a specific felony. Now regular homicide should not carry the death penalty.

J.B.: You limit it then to homicide in connection with--

Baxley: Well, not limited. . . . I also had multiple killings if you have a Manson type thing. Deliberate dynamiting of a residence where life or death insuing in a highjack or aircraft.

W.D.V.: Or premeditated. . .

Baxley: Yeah, but still not just straight premeditated murder. That wouldn't. . . . You couldn't get that.

J.B.: How about murder of a police officer?

Baxley: Murder of a police officer in the line of his duty if he was known, or should have reasonably been known to have been a police officer. Murder by an inmate in a penitentiary of another inmate ~~which~~ without just cause, or of a prison guard. I really believe those things would be deterrents. It's still distasteful to talk about it.

get sick at night, you know, thinking about it. None of them ever went. But when the jury would come back on a case I tried and give the sentence, it's still unpleasant. I think it's one of those balancing of the equities things when you [save a lot of innocent people, if you have.] But a lot of them don't believe in it.

J.B.: Was this the bill that was before the legislature this year?

Baxley: Yeah, I wrote it. When I was a law clerk up here in the state supreme court, '64, I was riding high. We were getting paid \$400 a month and wanted \$550. So we wrote a bill and got an appointment with all the law clerks en masse to go see Wallace. He kept us in there for two hours and all he was wanting to tell us was how many, how much [cry?crime] that he had in Maryland, how much [?] they had in Indiana, how much [cry?crime] they had in Wisconsin. For one of those hours. And the other hour was he was wanting us to do something where he didn't have to decide about the death penalty. He said that's not right for a governor. The supreme court ought to decide that.

W.D.V.: We better go.

[Interruption on tape.]

Baxley: 12%

J.B.: Is that based on some precinct analysis? State wide?

Baxley: Yeah.

J.B.: That you did yourself or you saw someone else do?

Baxley: That I did.

[Interruption on tape.]

J.B.: How about the mayors that did support him. Do you think it was just cynical?

Baxley: No, I'll tell you something that's coming in the South.

People better be on the look out for it. Already have it in Louisiana.

But they haven't had it so much in other places. They'd had it in Louisiana. Because they've had factions down there. That's just the nature of the Louisianans, to have ~~factions~~ and factions. But with the blacks, is they're getting more and more power, acting just like the white politicians. And they're getting to be jealous of each other and they're fighting and they're being for or against a candidate or an issue a lot of times not on the basis of the merits or how it stands to benefit blacks, but on whether or not one of their rivals is in closer to that man than they are. Something like that. And if it keeps on and really splinters, then people who have really got these hopes for the South, they're going to be in trouble. I'm afraid it's headed that way. Now of course once you get equality of opportunity, then it will be good for them to be like that.

J.B.: Is there any effective state wide black political organization?

Baxley: Yes sir.

J.B.: What?

Baxley: Alabama Democratic ~~Congress?~~ <sup>Conference.</sup> Everybody who tells you it ain't, just somebody on the outside looking in or somebody that didn't get the vote. It is the single most effective political organization in this state.

J.B.: Joe Reed is chairman, right?

Baxley: Uhhuh.

J.B.: How does he get to be chairman?

Baxley: Well, see. . . now again. . . maybe if you fellows are around and we have a drink maybe I'll talk to you about it. . . .

[End of interview.]